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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,674	10/25/2006	Stefan Haaks	2003P14790WOUS	5072
22116 7590 12/11/2007 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER DESTA, ELIAS	
			ART UNIT 2857	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/573,674

Applicant(s)

HAAKS ET AL.

Examiner

Elias Desta

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Detailed Action*

*Response to Amendment*

1. Applicant's remark, see amendment, filed 9/28/2007, with respect to the objection of the abstract, specification and drawing have been fully considered and accepted. The rejection on the merit of the claims 19-38 remains the same.

*Explanation of rejection*

Claim rejection – 35 U.S.C. 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-38 are rejected under 35 U.S.C. 102(e) as anticipated by Okazaki et al. (U.S. Patent 6,909,990, hereon Okazaki).

In reference to claims 19, 21 and 32: Okazaki teaches a method for causes of disruptive factors in a plant (or installation) under investigation (see Okazaki, Fig. 4 and column 1, lines 6-12).

The method comprises:

- Gathering relevant causation data performance limits for plurality of related systems or plants (installations) [see Okazaki, Fig. 7, plant data collecting (unit 8), and column 5, line 62 to column 6, line 6];
- Generating a questionnaire from the causation data wherein the questionnaire only contains questions relating to the plants under investigation (see Okazaki, Fig. 5, section 47 and column 8, lines 27-67);
- Collecting responses to the questionnaire questions from employees of the plant under investigation (see Okazaki, Fig. 5, section 47, answers and column 8, lines 27-67, multiple choice type answers);
- Analyzing the employee responses to the questionnaire (see Okazaki, Fig. 5, section 49, diagnostic results and column 9, lines 27-59); and
- Determining the cause of disruptive factors of the plant based on the questionnaire analysis (see Okazaki, Fig. 6, section 55 and column 9, line 60 to column 10, line 19).

Okazaki teaches a system having at least two computer systems related to the user's system (5), which consist of the diagnosis process and a plant data collecting and processing computer (2) (see Fig. 7, systems 2 and 5). The arrangement provides a first database (computer 8 necessarily includes a database to manage data collected from individual sensors to the plant machinery (6)) and a second database in the diagnosis computer (3) which is composed of a single or plurality of computers in charge of different functions, such as transmission, diagnosis

and data storage for plural locations or plants (see Okazaki, column 6, lines 45-62). The questionnaire consists of questions related to the installation under investigation (see Okazaki, column 8, lines 27-67).

With regard to claims 20 and 33: Okazaki further teaches that the disruptive factors are selected from the group consisting of malfunctions and performance limits (see Okazaki, Fig. 6, data related to abnormal vibration of the turbine).

With regard to claim 22: Okazaki further teaches that the improvement measure data is stored in a database (see Okazaki, Fig. 5, section 47).

With regard to claim 23: Okazaki further teaches that the method includes assigning relevant causation data to plant elements (see Okazaki, Fig. 6, unit 55) wherein the data in the database contains data about plant elements occurring the plant under investigation, and the questionnaire contains questions for plant elements occurring with in the plant (installation) (see Okazaki, column 8, line 36 to column 9, line 20).

With regard to claim 24: Okazaki further teaches that the method includes assigning the causation data to target groups of the plant (installation) (see Okazaki, column 10, lines 20-55); and generating the questionnaire such that the questionnaire contains questions for employees in the target groups to be questioned, wherein the plant under investigation data contains details about the target groups to be questioned (see Okazaki, column 10, line 55 to column 11, line 8).

With regard to claim 25: Okazaki further teaches that the questionnaire is directed to drive components of the plant (installation) (see Okazaki, column 10, lines 60-62, e.g., rotor, coupling etc...).

With regard to claim 26: Okazaki further teaches that the responses of the employees are collected via interviews (see Okazaki, column 5, lines 52-61 and column 8, line 35 to column 9, line 20).

With regard to claim 27: Okazaki further teaches that the response of the employees' are collected via a data network (see Okazaki, Fig. 1).

With regard to claims 28 and 34: Okazaki further teaches that the relevant causation data is obtained from malfunction reports of plants (or installation) (see Okazaki, Figs. 4 and 5).

With regard to claim 29: Okazaki further teaches that a service provider implements the technical service (see Okazaki, column 5, lines 52-61).

With regard to claim 30: Okazaki further teaches that the assessment of the technical state of the installation is made based on the responses of the employees and with defined assessment rules (see Okazaki, column 12, line 50 to column 13, line 27).

With regard to claim 35: Okazaki further teaches that the database (the system is implemented in a computer, so a database is an inherent part of a computer system) contains details about the plant elements (see Okazaki, Figs. 4 and 5, section 47) in the plant under investigation, and questionnaire contains questions for plant (installation) elements occurring in the plant (see Okazaki, Fig. 5, and section 51 for detailed diagnostic).

With regard to claim 36: Okazaki further teaches that the data communication network connects the output unit and the input unit, which is accessible by the employees (see Okazaki, Fig. 7).

With regard to claim 37: Okazaki further teaches that the database is connected to the plurality of plants via a data network (see Okazaki, Fig. 6 and 7, a sample of page for plant number xx is used as an example).

With regard to claim 38: Okazaki further teaches that the questionnaire generated contains questions for the employees in the target groups to be questioned (see Okazaki, Fig. 2, steps 2 and 3).

### *Response to Argument*

4. Applicant stated that the amended limitation (claim 19) "gathering and storing in a first database relevant causation data of performance limits for a plurality of related installations" ... or, the device of claim 32 which includes ... "a first database that contains data about causes of malfunction in a plurality of installations and improvement measure data ..." is not taught by the prior art (see page 9 of the amendment filed on 9/28/2007).

Unlike the applicant's assertion, Okazaki teaches a system having at least two computer systems related to the user's system (5), which consist of the diagnosis process and a plant data collecting and processing computer (2) (see Fig. 7, systems 2 and 5). The arrangement provides a first database (computer 8 necessarily includes a database to manage data collected from individual sensors to the plant machinery (6)) and a second database in the diagnosis computer

(3) which is composed of a single or plurality of computers in charge of different functions, such as transmission, diagnosis and data storage for plural locations or plants (see Okazaki, column 6, lines 45-62). The questionnaire consists of questions related to the installation under investigation (see Okazaki, column 8, lines 27-67).

Applicant's arguments filed 9/28/2007 have been fully considered but they are not persuasive for the reason given above.

### *Conclusion*

5. ***THIS ACTION IS MADE FINAL.*** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Fri (10:30-7:00).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571)-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elias Desta  
Examiner  
Art Unit 2857

- E.D.

- December 3, 2007.

  
CAROL S.W. TSAI  
PRIMARY EXAMINER